

100TH CONGRESS
2D SESSION

S. 2703

To amend the Animal Welfare Act to prohibit the selling of stolen dogs and cats,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 9, 1988

Mr. FORD (for himself, Mr. LEAHY, Mr. DOLE, and Mr. CONRAD) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Animal Welfare Act to prohibit the selling of
stolen dogs and cats, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Pet Theft Act of 1988".

5 **SEC. 2. ANIMAL WELFARE ACT.**

6 The Federal Laboratory Animal Welfare Act (7 U.S.C.
7 2131 et seq.) is amended by adding at the end thereof the
8 following new section:

1 **“SEC. 28. PROTECTION OF PETS.**

2 “(a) **GENERAL RULE.**—Except in instances where
3 State or local law supersedes, it shall be unlawful for any
4 class B licensee, as defined by the Secretary of Agriculture in
5 regulations (hereinafter referred to in this section as the
6 ‘dealer’), to obtain live random source dogs and cats from a
7 source other than—

8 “(1) a State, county, or city owned and operated
9 pound or shelter;

10 “(2) a private entity established for the purpose of
11 caring for animals such as a humane society, or any
12 other organization that is under contract with a State,
13 county, or city that operates as a pound or shelter and
14 that releases animals on a voluntary basis;

15 “(3) research facilities licensed by the Department
16 of Agriculture; or

17 “(4) individuals who have bred and raised such
18 dogs and cats on their own premises.

19 “(b) **HOLDING PERIODS.**—The pounds, shelters, or or-
20 ganizations referred to in section 28(a)(1), (2), and (3) shall
21 hold and care for dogs or cats for a period of at least seven
22 days before selling such dogs or cats to dealers, to enable
23 such dogs and cats to be recovered by their original owners
24 or to be adopted by other individuals.

25 “(c) **CERTIFICATION.**—

1 “(1) IN GENERAL.—Dealers may not sell, pro-
2 vide, or make available to any individual or entity a
3 random source dog or cat unless such dealer provides
4 the recipient with a valid certification that meets the
5 requirements of paragraph (2) and subsection (b).

6 “(2) REQUIREMENTS.—A valid certification must
7 contain—

8 “(A) the name, address, and Department of
9 Agriculture license or registration number (if such
10 number exists) of the dealer;

11 “(B) the name, address, Department of Agri-
12 culture license or registration number (if such
13 number exists), and the signature of the recipient
14 of the dog or cat;

15 “(C) a description of the dog or cat being
16 provided that shall include—

17 “(i) the species and breed or type of
18 such;

19 “(ii) the sex of such;

20 “(iii) the date of birth (if known) of
21 such;

22 “(iv) the color and any distinctive mark-
23 ing of such; and

1 “(v) any other information that the Sec-
2 retary by regulation shall determine appro-
3 priate;

4 “(D) the name and address of the person,
5 pound, or shelter from which the dog or cat was
6 purchased or otherwise acquired by the dealer;

7 “(E) the date of the purchase or acquisition
8 referred to in subparagraph (D);

9 “(F) a statement by the pound or shelter (if
10 the dealer acquired the dog or cat from such) that
11 it satisfied the requirements of subsection (b); and

12 “(G) any other information that the Secre-
13 tary by regulation shall determine appropriate.

14 “(3) RECORDS.—The original certification re-
15 quired under paragraph (1) shall accompany the ship-
16 ment of a dog or cat sold, provided, or otherwise made
17 available by the dealer, and shall be kept and main-
18 tained by the research facility for a period of at least
19 one year for enforcement purposes. The dealer shall
20 retain one copy of the certification provided under this
21 paragraph for a period of at least one year for enforce-
22 ment purposes.

23 “(4) TRANSFERS.—In instances where one re-
24 search facility transfers animals to another research fa-

1 cility a copy of the certificate must accompany such
2 transfer.

3 “(d) ENFORCEMENT.—

4 “(1) IN GENERAL.—Dealers who fail to act ac-
5 cording to the requirements of this section, or who in-
6 clude false information in the certification required
7 under subsection (c), shall be subject to the penalties
8 provided for under section 19.

9 “(2) SUBSEQUENT VIOLATIONS.—Any dealer
10 who violates this section more than one time shall be
11 subject to a fine of \$5,000 per dog or cat acquired or
12 sold in violation of this section.

13 “(3) PERMANANT REVOCATIONS.—Any dealer
14 who violates this section three or more times shall
15 have such dealers license permanently revoked.

16 “(e) REGULATION.—Not later than 180 days after the
17 date of enactment of this section, the Secretary shall
18 promulgate regulations to carry out this section.”.

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